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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,415	01/26/2004	Thomas J. Mathai	58724.00003.UTL1	4541

36183 7590 10/19/2007
PAUL, HASTINGS, JANOFISKY & WALKER LLP
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Washington, DC 20005

EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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10/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/763,415

Applicant(s)

MATHAI ET AL.

Examiner

Ramsey Refai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/22/04, 01/13/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Responsive to claims filed January 26, 2004. Claims 1-15 are presented for examination.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on April 22, 2004 and January 13, 2005 are being considered by the examiner.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 9-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 9 is directed to a signal and claims 10 is directed to a carrier. Signal claims and carrier wave claims are ineligible for patent protection because they do not fall within any of the four statutory classes of § 101. The claims are therefore directed to non-statutory subject matter.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claim 1-14 and rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, the term “ not necessarily” is indefinite and has therefore rendered the claim vague and indefinite.

In claim 5, the term “ substantially” is indefinite and has therefore rendered the claim vague and indefinite.

In claims 7-8, the term “ TELCO” is indefinite and has therefore rendered the claims vague and indefinite.

In claims 8, 13, and 14, the term “ SS7” is indefinite and has therefore rendered the claims vague and indefinite.

Claims that depend on the above rejected claims are also rejected under the same rationale.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Egendorf (US Patent No. 6,976,008).

9. As per claim 1, Egendorf teaches a method for facilitating online commerce comprising the steps of:

accessing or facilitating a web page displaying an item or service available for purchase;

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generating, transmitting, or receiving a request from a consumer to purchase said item or service (column 2, lines 29-30, column 5, lines 17-26; customer accesses the Internet to purchase products or services); and

facilitating said purchase to be charged to a telecommunications account (column 2, line 49-column 3, line 5), wherein said telecommunications account is not necessarily associated with a communications line by which said consumer has originated said request (column 3, lines 48-67).

10. As per claim 2, Egendorf teaches authorizing said request to determine if said purchase is authorized, wherein said purchase is charged only if said purchase is authorized (column 4, lines 7-31, column 5, lines 35-47).

11. As per claim 3, Egendorf teaches authorizing comprises the steps of: contacting a server servicing said telecommunications account, querying a subscriber database to determine if said consumer subscribes to a telephone account billing service, and generating a response comprising an indication of positive or negative authorization based on said query (column 4, lines 7-31, column 5, lines 35-47).

12. As per claim 4, Egendorf teaches determining whether an amount of said purchase is below a predetermined credit limit for said consumer (column 6, lines 30-41; verifying that the amount of purchase does not exceed a credit limit is well known and inherent when using credit cards).

13. As per claim 5, Egendorf teaches wherein a value of said item or service is substantially equal to a micropayment amount (column 2, lines 1-4).

14. As per claim 6, Egendorf teaches remitting a portion of a full amount of said purchase to a merchant, wherein said portion is less than said full amount (column 2, lines 33-35, column 3, lines 30-32, column 6, line 59-column 7, line 11).

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15. As per claim 7, Egendorf teaches remitting an amount to a TELCO servicing said telecommunications account equal to a portion of a difference between said full amount and said portion remitted to said merchant (column 2, lines 33-35, column 3, lines 30-32, column 6, line 59-column 7, line 11).

16. As per claim 8, Egendorf teaches wherein said step of facilitating comprises the step of: communicating with a TELCO network but fails to explicitly teach communicating via a SS7 communications protocol (column 1, lines 31-35, column 2, lines 59-67; SS7 communication protocol is inherent and well known in telephone networks; provides signaling).

17. As per claims 9- 10, these claims contain similar limitations as claim 1 and therefore are rejected under the same rationale.

18. As per claim 11, Egendorf teaches a transaction system comprising:

a SS7 communication server, wherein said communications server comprises:

a receiver for receiving information associated with a request to purchase an item or service offered online (column 2, lines 29-30, column 5, lines 17-26; customer accesses the Internet to purchase products or services); and

a processor to facilitate said purchase to be charged to a telecommunications account (column 2, line 49-column 3, line 5), and an authentication server for authenticating said telecommunications account (column 4, lines 7-31, column 5, lines 35-47).

19. As per claim 12, Egendorf teaches wherein said authentication server validates an amount of the purchase against a predefined credit limit (column 6, lines 30-41; verifying that the amount of purchase does not exceed a credit limit is well known and inherent when using credit cards).

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20. As per claim 13, Egendorf teaches wherein said SS7 communications server receives said request via a transmission control protocol and Internet protocol communications protocol (column 1, lines 17-20).

21. As per claim 14, Egendorf teaches wherein said SS7 communications server is connected to a telephone network (column 1, lines 31-35, column 2, lines 59-67).

22. As per claim 15, Egendorf teaches a method comprising the steps of: activating a session to facilitate purchasing of items and/or services offered via a public communications network (column 2, lines 29-30, column 5, lines 17-26; customer accesses the Internet to purchase products or services); and facilitating at least one purchase to be charged to a telecommunications account during said session (column 2, line 49-column 3, line 5).

Conclusion

The prior art made of record and not relied upon, which is considered pertinent to applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892).

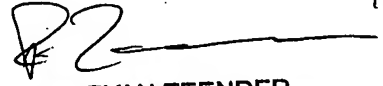
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 3627
October 6, 2007
/RR/

 10/7/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER